

Federal Communications Commission

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(4) Continue to maintain the space station at the authorized longitude orbital location in the geostationary satellite arc with the appropriate east-west station-keeping tolerance.

[62 FR 5931, Feb 10, 1997]

§ 25.281 Automatic Transmitter Identification System (ATIS).

All satellite uplink transmissions carrying broadband video information shall be identified through the use of an automatic transmitter identification system as specified below.

(a) Effective March 1, 1991, all satellite video uplink facilities shall be equipped with an ATIS encoder meeting the specifications set forth in paragraph (d) of this section.

(b) All video uplink facilities utilizing a transmitter manufactured on or after March 1, 1991 shall be equipped with an ATIS encoder meeting the performance specifications set forth in paragraph (d) of this section and the encoder shall be integrated into the uplink transmitter chain in a method that cannot easily be defeated.

(c) The ATIS signal shall be a separate subcarrier which is automatically activated whenever any RF emissions occur. The ATIS information shall continuously repeat.

(d) The ATIS signal shall consist of the following:

(1) A subcarrier signal generated at a frequency of 7.1 MHz \pm 25 KHz and injected at a level no less than -26 dB (referenced to the unmodulated carrier). The subcarrier deviation shall not exceed 25 kHz peak deviation.

(2) The protocol shall be International Morse Code keyed by a 1200 Hz \pm 800 Hz tone representing a mark and a message rate of 15 to 25 words per minute. The tone shall frequency modulate the subcarrier signal.

(3) The ATIS signal as a minimum shall consist of the following:

(i) The FCC assigned earth station call sign;

(ii) A telephone number providing immediate access to personnel capable of resolving ongoing interference or coordination problems with the station;

(iii) A unique ten digit serial number of random number code programmed into the ATIS device in a permanent

manner such that it cannot be readily changed by the operator on duty;

(iv) Additional information may be included within the ATIS data stream provided the total message length, including ATIS, does not exceed 30 seconds.

[55 FR 21551, May 25, 1990. Redesignated at 62 FR 5932, Feb. 10, 1997]

Subpart E [Reserved]

Subpart F—Competitive Bidding Procedures for DARS

SOURCE: 62 FR 11106, Mar. 11, 1997, unless otherwise noted.

§ 25.401 Satellite DARS applications subject to competitive bidding.

Mutually exclusive initial applications filed by Satellite CD Radio, Primosphere Limited Partnership, Digital Satellite Broadcasting Corporation, and American Mobile Radio Corporation, to provide DARS service are subject to competitive bidding procedures. The procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise specified in this subpart.

§ 25.402 Competitive bidding mechanisms.

(a) *Tie bids.* Where a tie bid occurs, the high bidder will be determined by the order in which the bids were received by the Commission.

(b) *Maximum bid increments.* The Commission may, by announcement before or during the auction, establish maximum bid increments in dollar or percentage terms.

(c) *Minimum opening bid.* The Commission will establish a minimum opening bid for the DARS spectrum, and the amount of which will be announced by Public Notice prior to the auction.

(d) *Activity rules.* The Commission will establish activity rules which require a minimum amount of bidding activity. Bidders will be entitled to request and be granted waivers of such rule. The Commission will specify the number of waivers permitted in an auction, the frequency with which they may be exercised, and the method of

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operation of waivers by Public Notice prior to the auction.

§ 25.403 Bidding application and certification procedures.

Submission of Supplemental Application Information. In order to be eligible to bid, each pending applicant must timely submit certain supplemental information. All supplemental information shall be filed by the applicant five days after publication of these rules in the FEDERAL REGISTER. The supplemental information must be certified and include the following:

- (a) Applicant's name;
- (b) Mailing Address (no Post Office boxes);
- (c) City;
- (d) State;
- (e) ZIP Code;
- (f) Auction Number 15;
- (g) FCC Account Number;
- (h) Person(s) authorized to make or withdraw a bid (list up to three individuals);
- (i) Certifications and name and title of person certifying the information provided;
- (j) Applicant's contact person and such person's telephone number, E-mail address and FAX number; and
- (k) Signature and date.

§ 25.404 Submission of down payment and filing of long-form applications.

(a) After bidding has ended, the Commission will identify and notify the high bidder and declare the bidding closed.

(b) Within ten (10) business days of a Public Notice announcing the high bidder on a particular license(s), a high bidder must submit to the Commission's lockbox bank such additional funds (the "down payment") as are necessary to bring its total deposits (not including upfront payments applied to satisfy bid withdrawal or default payments) up to twenty (20) percent of its high bid(s). This down payment must be made by wire transfer or cashier's check drawn in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission. Down payments will be held by the Commission

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until the high bidder has been awarded the license and has paid the remaining balance due on the license, in which case it will not be returned, or until the winning bidder is found unqualified to be a licensee or has defaulted, in which case it will be returned, less applicable payments. No interest on any down payment will be paid to a bidder.

(c) A high bidder that meets its down payment obligations in a timely manner must, within thirty (30) business days after being notified that it is a high bidder, submit an amendment to its pending application to provide the information required by § 25.144.

§ 25.405 Prohibition of collusion.

Upon the deadline for filing the supplemental information required by § 25.403, all applicants are prohibited from cooperating, collaborating, discussing or disclosing in any manner the substance of their bids or bidding strategies, or discussing or negotiating settlement agreements, with other applicants until after the high bidder makes the required down payment.

§ 25.406 License grant, denial, default, and disqualification.

(a) Unless otherwise specified in these rules, auction winners are required to pay the balance of their winning bids in a lump sum within ten (10) business days following public notice by the Commission that it is prepared to award the licenses. Grant of the license will be conditioned on full and timely payment of the winning bid.

(b) If a winning bidder withdraws its bid after the Commission has declared competitive bidding closed or fails to remit the required down payment within ten (10) business days after the Commission has declared competitive bidding closed, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be liable for the default payment specified in § 1.2104(g)(2). In such event, the Commission may either re-auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids. The down payment obligations set forth in § 25.404(b) will apply.

(c) A winning bidder who is found unqualified to be a licensee, fails to remit